

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

NOV 25 2009

D. MARK JONES, CLERK
BY ~~UTAH~~
DEPUTY CLERK

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

LAWRENCE M. JACKSON,

Petitioner

vs.

CLINT FRIEL

Respondent,

ORDER

Case No. 2:05-cv-365

Petitioner filed a Petition for Writ of Habeas Corpus with this court in May 2005. After reviewing argument from both parties, the court denied that petition in December 2008. Petitioner filed a motion to alter or amend the judgment, which the court denied on September 8, 2009. On September 15, 2009, Petitioner filed a Notice of Appeal.

Now before the court is Petitioner's Motion for Stay of Petition for Habeas Corpus Pending Exhaustion of Issues. Respondent opposed this motion, arguing that the court lacks jurisdiction and, alternatively, that there are no proceedings to stay because the habeas proceedings in the district court are complete. The court agrees with Respondent that Petitioner's timely notice of appeal divested this court of jurisdiction over the matter. Burke v. Utah Transit Auth., 462 F.3d 1253, 1264 (10th Cir. 2006). Petitioner's motion is denied.

Dated this 24th day of November, 2009.

A handwritten signature in cursive script that reads "Dee Benson". The signature is written in dark ink and is positioned above a horizontal line.

Dee Benson
U.S. District Court Judge